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Equality of competition: A consistent approach to equality of opportunity in sport

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Abstract

Accepting the principles of equal treatment and equality of opportunity as standards means that individuals should have the same chances and receive the same rewards. If there is no reason to maintain that these principles should not be decisive in the domain of sport, the consequences of accepting them must be accepted. Equality of opportunity, in particular, which may with respect to sport be termed 'equality of competition', raises some issues that are examined.

KEYWORDS

competition in sport, equality of opportunity, equality of outcome, formal equality, material equality

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1 | INTRODUCTION

This article addresses the question of the extent to which the principles of equal treatment and equality of opportunity are realised in the domain of sport, insofar as 'sports' is taken to mean competitive sports. This raises the question of whether different standards may or must be accepted in the domain of sports than in other domains.

In order to answer these questions, it must first be made clear why these principles are important and how equality of opportunity is related to the other possible ways to specify 'material equality' ('material equality' meaning equality insofar as an equal result is concerned).

Equality of opportunity with respect to the domain of sport may, I suggest, be referred to as 'equality of competition'. Crucially, the limitations of equality of opportunity must be

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acknowledged from the outset: "Requiring all individuals to have the same chances is one thing, but expecting them to have the same success rates is said to be quite another." (Phillips, 2004, p. 2). Some of the policies which are defended by those unwilling to accept this distinction are examined in this article.

I first present what I have just outlined in the abstract, only occasionally mentioning sports, since that topic may most fruitfully be discussed in the light of the possible consequences of what I will have argued. The two main themes, namely equality of treatment and equality of opportunity, will then be presented again, now with respect to sports in particular, with the goal of analysing the issues with consistency and straightforwardness as yardsticks, and without eschewing conclusions that may not universally be welcomed but must be accepted if they are the outcome of an analysis that meets the intended standard.

2 | TYPES OF EQUALITY

It is important to identify the principle on the basis of which individuals are to be treated equally (or as equals). This is formal equality, which is specified by (*a*) political equality, consisting of granting political liberties, and (*b*) legal equality (or equality before the law), which entails the right to equal treatment. Equal treatment and equality of opportunity in particular are relevant for the purpose of this article.

The fundamental question of which individuals are to be considered equals in this respect – and, accordingly, legal subjects – may, given the focus of the present inquiry, be answered pragmatically by identifying them as human beings, disregarding here the issue that 'human being' may be said to be a political specification as well as a biological one. There are important reasons to discuss this question as well as the related one of the basis on which these beings are equals, but they are not germane to the following analysis, which presumes rather than problematises the equality in question. There is no need, then, to expound the importance of formal equality itself, including legal equality, and the reason why certain beings should be treated (formally) equally.

It must be clear, however, that it would not be justified to consider formal equality and the identification of certain (and only those) beings as legal subjects as self-evidently (or intuitively) correct, however facilely some are wont to dismiss inquiries focused on clarifying such matters as useless attempts to unearth issues whose continued dormancy would raise no problems. But since providing clarity on the matter would divert too much from the present inquiry, I must refer the reader to my treatment of it elsewhere (Doomen, 2014, Introduction and ch. 6).

Having briefly discussed the relevant aspect of legal equality as a species of *formal* equality, we can now turn our attention to *material* equality. Simply put, the *principle* is the crucial aspect in the case of legal equality, the right to equal treatment being the most concrete aspect, which means that a (possible) *result* of equal treatment (of two or more beings), while – obviously – important in practice, is a secondary issue. Conversely, in the case of material equality it *is* the result that is decisive. 'Equal' is not to be confused with 'identical' here: an identical result means that (precisely) the same result is realised, which is a possible – though practically difficult to accomplish – goal, but only for those who associate material equality with that particular goal. In other words, 'material equality' may (at least theoretically) be taken to imply an identical result, but need not be interpreted thus.

Another important terminological distinction is that between 'result' and 'outcome'. While material equality is, regardless of the specific perspective of 'material equality' one accepts, always concerned with an equal *result*, promoting an equal *outcome* is associated with one

possible outlook in particular, to be discussed below. This means that, with respect to material equality, 'result' may be considered the genus and 'outcome' a species. These definitions must not, incidentally, be taken to imply any 'essential' characteristics: the choice for the terms is arbitrary, and 'outcome' and 'result' might just as well have converse meanings.

It is not my intention to complicate matters needlessly, but conceptual clarity is important enough to ask the reader to indulge me the following point. I have differentiated between formal equality (and specifically legal equality) on the one hand and material equality on the other. However, if 'material equality' is interpreted broadly (in accordance with what has just been said, so by considering the result the decisive element), formal and material equality converge.

An example may be welcome at this point. Formal equality, and in particular legal equality, entails the norm that employers may – in principle – not discriminate between prospective employees on the basis of, inter alia, race or sex. (I say 'in principle' since there may be special cases – when casting an actor, for example – where one's race or sex is a legitimate selection criterion. For the same reason, discrimination on the basis of disability may be justified; a person who is confined to a wheelchair may *for that reason* be disqualified as a firefighter – but not for a desk job, where the wheelchair would not be a relevant factor.) Material equality (again, in the broad sense) is at issue as well since allowing discrimination would have – significant – results for the persons who would be discriminated against, namely, in terms of income (and perhaps self-actualisation).

Material equality may be specified – and realised – in a number of ways, apart from the interpretation mentioned above (on the basis of which 'equal' is equated with 'identical'), which belongs to a different category from the perspectives to be presented, since it focuses on the meaning of the 'equality' part of 'material equality', whereas these perspectives differ with regard to the 'material' part, that is, *in what respect* material equality should be realised. As I indicated, the goal of material equality is an equal result. The perspectives just mentioned may be said to be an answer to the question of how an equal result may be realised with respect to what Sen calls the 'equality of what' features, like incomes, opportunities, achievements and rights (Sen, 1992, p. 12). Accordingly, the following perspectives may be distinguished: equality of opportunity, equality of primary goods, equality of capabilities, equality of resources, and equality of well-being.

With the exception of equality of opportunity, these perspectives may be said to be varieties of 'equality of outcome'. Given the relation between 'result' and 'outcome', material equality covers both equality of opportunity and equality of outcome. I have not yet indicated what 'equality of opportunity' means, though. It is characterised by the aspiration to afford all individuals the same opportunities to realise their goals. Selection criteria are allowed, but only if they are relevant. The example of prohibited discrimination by employers may again be mentioned here. As I said above, material equality (in the broad sense) and legal equality converge, which is precisely why the example is pertinent here, too. The *viewpoints* differ (since legal equality is, as was indicated, concerned with the *principle* of equal treatment while equality of opportunity – as a perspective of material equality (in the narrow sense) – is concerned with the *result*), but those whose interests are at stake may not even notice this distinction, or realise its (theoretical) import.

Equality of opportunity is an important principle in Rawls's political philosophy (Rawls, 1971, § 11, p. 54; § 12, p. 62), whose intricateness and nuance are attested to by (inter alia) the fact that he integrates another perspective into it, namely equality of primary goods, which are defined as "... things that every rational man is presumed to want" (Rawls, 1971, § 11, p. 54). There is no need to inquire here how Rawls attempts to reconcile these aspects,

expressed in the principles of justice (Rawls, 1971, § 46, p. 266). The issue of primary goods is not irrelevant for this article, but the relevance is only secondary; to anticipate what will be discussed below, the means to be able to participate in sports, like certain (expensive) footwear or special materials such as a foil in fencing, may be mentioned in this regard.

Sen's specific perspective stresses the importance of equality of capabilities (for example, Sen, 1992, pp. 4, 5); these capabilities (an example is access to education) may be used to shape one's life.

Equality of resources may be taken to entail an equal distribution of means, while equality of well-being focuses on the importance of well-being. It is not necessary, for the purposes of this article, to explore these perspectives here, irrespective of the issue that 'well-being' is too unclear a notion to use. For completeness it must be remarked, however, that differences in resources are relevant insofar as the means to provide for training, for example, may significantly affect the opportunities individuals have; what was remarked about primary goods is also relevant here. It is possible to compensate for the differences in question, so that the opportunities of those who (or whose parents) lack the means to provide for training and equipment are improved; whether this compensation should be realised depends on one's political outlook and, specifically, to what extent one considers the redistribution of income and wealth desirable, presuming one considers any such redistribution desirable.

There is no need to try to add a new perspective to the ones already presented, for the perspective I will argue may be considered a special case of equality of opportunity. A difficulty that presents itself is the *scope* of 'opportunity'. If the scope is broad enough, 'opportunity' may include elements that are associated with some of the other perspectives of material equality: differences between individuals' access to certain means (which I have qualified as aspects of equality of primary goods and equality of resources) may affect their opportunities to qualify for certain competitions. Two species of 'equality of opportunity' may indeed be distinguished, namely formal and substantive equality of opportunity, the latter being associated with a sufficiently broad conception of 'opportunity' to include (some of) those means. Indeed, a definition of 'opportunity' may be said to be arbitrary (cf. Arneson, 2018, p. 152). As Riva observes, "... equality of opportunity turns out to be a vague ideal, one that different people can characterize in different ways" (Riva, 2015, p. 294).

Still, I do not consider it problematic to cling to 'opportunity' in a particular sense as a *working* definition; the fact that (financial) means are not taken into consideration here does not derogate from the (practical) importance of the aspects that are problematised here, nor from the arbitrariness of the (working) definition. This particular sense abstracts, then, with respect to sport, from the factors that have led (or at least contributed) to the (potential) participants' positions once they present themselves as (potential) participants, and is focused on equal opportunity at that stage, which may be expressed by the phrase 'equality of competition'. Equality of competition may accordingly be considered a species of equality of opportunity, but it is more accurate to consider it an application of equality of opportunity (and not just in the domain of sport), since the realisation of an area of equal competition is characteristic of equality of opportunity.

For the same reason, the alternative of equality of capabilities may be considered irrelevant, at least for the present inquiry, because it, too, is focused on what *precedes* what is at issue, and in addition one may point to the limitations this perspective has with respect to the present issue: certain characteristics can be altered or improved, but not always to such an extent that the result is accomplished that all individuals can participate and compete at a single level.

One may aver, however, from a similar perspective, that it is possible to realise something akin to equality of opportunity; I say 'a similar perspective' since the approach of equality of capabilities is focused on optimising the potential of the individual by removing certain disadvantages (when possible), while this approach would consist in equalising certain means. Those means would not be financial means (since otherwise equality of primary goods and/or equality of resources would be concerned, which have already been observed to be irrelevant here); instead, the means to participate themselves are concerned, which would be used to put the various (potential) participants on an equal footing. This may even literally be the case, by demanding that all runners use the same type of footwear (so that one would not be allowed to wear the type of shoe one wants as long as it meets certain criteria) or run barefoot, as marathon runner Abebe Bikila did. Bikila, incidentally, voluntarily ran barefoot against competitors who wore shoes but could have opted to run barefoot themselves as well.

Various factors may be identified that decide which of the competitors in a competition will win, which raises the fundamental (and existential) identity question of what the basis is of the fact that a candidate is able to perform at a certain level (and better than the other contestants). All candidates may receive the same training, but some may simply be better (e.g., stronger or faster) (or require less effort to become better performers) than others, and even if these factors are forgone, it is not clear that the character that is required to have the discipline to adhere to a regime – which some have and others lack – is one's merit: one's character is arguably a result of innate factors, factors that have been decisive in growing up (such as one's upbringing (cf. Arneson, 2018, pp. 157, 158)) or a combination of both types of factors.

If all individuals are afforded the same opportunities, the idea is that their own choices are the decisive elements to qualify the actions that accompany those choices as accomplishments, but such an idea overlooks the given that the *basis* to make those choices is still a factor or a combination of factors. Taking equality of opportunity seriously means that this given must be taken into consideration.

Both legal equality (and in particular the principle of equal treatment) and equality of opportunity prohibit discrimination on the basis of race, sex or disability. There are no decisive reasons (as far as I know) to determine why any of the perspectives on material equality presented above should be correct (or preferable) *in general*, but (fortunately) it is not my task to provide such a proof, since this inquiry is specifically concerned with sport. I have already indicated why equality of opportunity, and specifically equality of competition, is a proper perspective when addressing the equality of those who must be treated formally equally (who may, for the purposes of this article, be identified as human beings). Given, then, the importance of legal equality and equality of opportunity, a first question to address with respect to equality of competition in particular is what the norm that everyone (identifying 'everyone' here as those who are formally equal and, concretely, human beings) should have the same opportunities to participate in sport means.

3 | EQUALITY OF COMPETITION

In order to make it clear what equality of competition means, the 'equality' part needs to be addressed. I indicated above that equality of competition is a special case of equality of opportunity. It stands to reason that the same standard for equality of opportunity that is accepted in general (for example in the workplace) must be adhered to insofar as sports are concerned (cf. Tännsjö, 2000, p. 101: "Sexual discrimination within sports does not have any better rationale

than sexual discrimination in any other fields of our lives"), for otherwise, equality of competition could not even be considered a special case of equality of opportunity in the first place.

Still, no decisive reason has been given *why* the same standard should apply, for I have only *presented* equality of competition and not indicated why no different perspective should be taken when sports are concerned, and if I were to present no arguments in favour of equality of competition, the accusation of committing a *petitio principii* could rightly be levelled against me. What needs to be inquired, then, is whether there is a justification to deviate from equality of opportunity in the case of sport.

An obvious first issue to explore is whether men and women may be treated differently; for example, may the prize money for women who win the Tour de France Femmes differ from the prize money male winners of the Tour de France receive? (This issue is related to legal equality rather than to equality of competition, but given the topics under discussion it is justified to discuss them both here.) Differences may, on the whole, be found, inter alia with respect to weight, height, muscle strength and lung capacity. What, if anything, should this given entail? An issue that may be raised is the difference in payment: female athletes generally receive significantly less payment than their male counterparts (Benitez Silva, 2017, p. 98). This is especially apparent in the case of soccer (Archer & Prange, 2019, p. 416). Importantly, though, one may question whether female athletes receive less payment for the *same* accomplishments. There is no reason to doubt that their *efforts* to perform as well as they can do not differ from those of male athletes, but that is not the issue; what is decisive, instead, is what they actually manage to accomplish. It is not important, in other words, how much effort is put into the work, but what the quality of the work is. The authors argue that equal payment is nonetheless defensible:

> The first argument we consider for equal pay is summarized in the slogan the U.S. women's team used in their campaign for to be paid the same as the U.S. men's team: 'Equal Play, Equal Pay'. The idea here is simple. The two teams play at equivalent levels and devote equivalent amounts of time and energy to doing so and so they should be paid the same salary. The more general principle underlying this slogan is one that has served as a popular rallying cry among feminist campaigners around the world, namely that equal work should be rewarded with equal pay. When a woman is paid less than a man for the same job this is a clear case of injustice. When a white person is paid more than a black person for the same job this too is a clear case of injustice.
>
> (Archer & Prange, 2019, p. 419)

It is important to observe that the levels are, contrary to what is claimed, *not* equivalent, for otherwise there would not be levels (plural) in the first place, but rather a single level, just as there is only a single level in other domains than sport. The authors refer to the principle that male and female employees should receive the same payment for the same work, but the comparison is amiss; differentiating between what men and women accomplish (and accordingly acknowledging separate levels) would in fact *conflict* with the principle of equal treatment. There is a (single) market where individuals offer their services, which are valued; those who demonstrably perform better than others are entitled to better pay. Injustice (or discrimination) cannot be said to exist in such a state of affairs; it would only exist if the *same* achievements (within a single competition, so where men and women compete in the same competition) were valued differently, which is not the case.

What male and female athletes do cannot, then, be said, contrary to what the authors hold (Archer & Prange, 2019, p. 420), to be the *same* work; interestingly, they appear to leave some room for discussion by saying, after having used the word 'same', that the work is 'equal *or similar* [my emphasis]' and 'equal *or at least equivalent* [my emphasis]' (Archer & Prange, 2019, p. 420). One may maintain that "Paying female footballers less than their male equivalents sends the message that the female players have less sporting and professional worth than their male equivalents" (Archer & Prange, 2019, p. 426). Yet, to put it bluntly, they *do* have less worth, which is precisely what is at issue. This does not imply that any individual has more worth than another in a different sense (and it must be remarked that the authors do not reduce 'sporting worth' to 'economic worth'), but what that different sort of 'worth' might be (if anything) merits a separate discussion.

This is also how I would reply to English's position in this respect:

> If women do not attain roughly equal fame and fortune in sports, it leads both men and women to think of women as naturally inferior. Thus, it is not a right of women tennis stars to the scarce benefits, but rather a right of all women to self-respect that justifies their demand for equal press coverage and prize money.
>
> (English, 1978, p. 273)

This is possible, however, only by creating special competitions for women, on the basis of which, in English's own words, the 'natural inferiority' (in a sense) of women is actually *acknowledged* (since otherwise women would be able to compete with men in the same competitions), with the corollary that their demand for equal press coverage and prize money is not justified. The author also says, referring to the origin of many of the sports that exist today (English, 1978, pp. 275, 276), where the essence of sports is considered to be determined on the basis of speed, size and strength: "Women *are* naturally inferior at "sports" so conceived" (English, 1978, p. 276). In order to 'compensate' for this, the author pleads developing new sports in which people with different abilities can excel (English, 1978, p. 275).

I see no objection to such a course of action, but one may wonder whether it will be possible to raise the same interest for those sports as for the existing ones (with the corollary that it may be doubted if the same revenue will be generated). One may lament the consequences (for women) of the popularity of some sports over others (e.g. McDonagh & Pappano, 2008, p. 3), but the simple fact is that those sports *are* (at least for now) popular; one may try to popularise certain sports that compete (for attention) with those which are at present (already) popular.

A more significant concern is that this proposal takes nothing away from the main point that no separate competitions should exist. This does mean, of course, that those who accept the proposal to develop new sports must also be willing to accept the possible outcome that the categories of people who typically excel at the *existing* sports are relatively unsuccessful in the *new* sports (regardless of whether this is precisely the goal of realising those sports in the first place). One may object that creating such sports is an artifice, but would then overlook the fact that many (or perhaps all) existing sports are contrived (and may be said to be artifices), if only because of the rules athletes have to observe.

The last point is specifically concerned with equality of competition rather than with equal treatment; the remainder of this article will focus on equality of competition. The focus is on an individual's being afforded the opportunity to participate at the same level as others, who may then be considered peers. What has just been said about equal treatment is relevant here, too, since the interests of the individuals are related.

I have argued, with respect to equal treatment, that a single level must be accepted where all athletes should compete. With respect to equality of competition, the competition itself is the focus of attention, where equal treatment insofar as equal payment is concerned is not the decisive issue. For completeness I remark that the distinction is not as clear-cut as this characterisation suggests, if only because (some) athletes – presumably – compete in order to receive some reward, however abstract this may be, for example in terms of recognition or attention, in addition to prize money (which was mentioned above with respect to the Tour de France, a separate Tour de France Femmes no longer existing – irrespective of whether different prize money is at issue – if what I have argued is accepted).

A first consideration that may be added to what has been argued is that, in certain respects, women have advantages over men rather than disadvantages, for example in the case of channel swimming and ballet (English, 1978, pp. 272, 275; see McDonagh & Pappano, 2008, pp. 58–61 for an overview). Yet this given could still be used to argue for separate competitions for men and women, and even be said to provide additional support for that claim, at least if one is unwilling to accept what I have said.

A more important issue is that it is unclear on what basis sex should be a relevant factor at all. Tännsjö holds that distinguishing between categories of individuals is acceptable (for example by means of weight classes, and the author would even be willing to introduce additional classes), but it is not justified to presume that women, simply *because they are women*, perform (on average) less well than men (Tännsjö, 2000, p. 103). It is difficult to disagree with the author on this point. The issue of different classes does present certain problems, which will be addressed below; presuming, *arguendo* for now, that different classes are accepted, relevant factors (such as athletes' weight or strength) should be decisive rather than sex, which may in some (but not all) cases be an explanation for the existence of (certain) differences between the occurrence of these factors (cf. McDonagh & Pappano, 2008, pp. 8, 10). No longer considering sex relevant here entails, incidentally, that some discussions with respect to the issue of the nature of sex (or gender) become moot. The case of Caster Semenya is a case in point (see Doomen, 2019, *passim*, and Loland, 2020, p. 584). Semenya's performance as a middle-distance runner led to the demand for a sex verification test. Removing sex as a relevant factor would result in such an inquiry being devoid of purpose.

A similar stance may be taken with respect to disabled people. They are unable to remove their disability, but that is not the issue; if it were, this would also be relevant for what has just been discussed, that is, the position of women vis-à-vis men. There are special sports in which disabled people may participate; an obvious comparison that may be made is that between the Olympic Games and the Paralympic Games. (I will limit the discussion to these Games; including, for example, the Invictus Games and the Special Olympics would only needlessly complicate matters.)

One might suppose, contra to what I hold, that equality of competition could mean *two* things: every individual may participate at his or her own level, and there is a single level (so with a single type of Games) where everyone may have a chance to participate. In the second case, those who are disabled will presumably be eliminated in the preliminary rounds and thus not be able to compete at the Games, at least as a rule; for reasons to be discussed below, this observation must be nuanced. The first case may be said to have been realised to some extent (because various impairment types have been established in the Paralympic Games, for example insofar as athletes' impaired muscle power is at issue), but it results in problems that will be discussed when this issue is addressed.

One may argue that equality of competition is realised if those who are disabled in some respect can compete at the same level as those who do not have that disability by tailoring the sport to the situation. Wheelchair basketball is a case in point: may those who compete not be said to compete at the same level as 'normal' athletes (who participate in basketball at the Olympic Games)? The observation that a sport such as wheelchair basketball would not have existed if there had not been disabled people who are not able to participate in (regular) basketball is not relevant if only on account of the fact (which has already been observed) that many – or all – sports (as they presently exist) may be said to be contrived (for whatever reason), as the example of soccer demonstrates, where the restriction has purposely been introduced that players, except for goalkeepers, are not allowed to use their hands, which is one of the elements that distinguish it from (among other sports) American football. The proper response to the question is instead no different from the one provided in the sex distinction discussion, namely that equality of competition is realised when *anyone* may compete.

Equality of competition extends, then, to parasports, with the consequence that no one who is able to participate in the sport in question should be disallowed to do so. For example, those who can walk should not for that reason be disqualified to participate in wheelchair basketball, should they desire to do so, so that being confined to a wheelchair should not be a requirement. This may have the arguably undesirable consequence that a non-disabled person may outperform a disabled person and thus qualify at the highest level, without the disabled person having the same opportunity as the non-disabled person to meet even the basic standards when a 'normal' sport is concerned.

Lamentably, this means that disabled people have (*ceteris paribus*) fewer options than those who are not disabled in the relevant respect(s), since the latter group of people may, to continue the example, participate in both basketball and wheelchair basketball while the former have only one of these options, but that issue must not be confused with the discussion at hand.

What complicates the discussion is that it is sometimes difficult to decide whether something must be qualified as a 'disability'. Suppose that someone like Francesco Lentini (who was born with three legs) or Oscar Pistorius (who has artificial limbs) can use his disability (if it may be qualified as such) to outswim or outrun other, 'normal', athletes (Van Hilvoorde & Landeweerd, 2008, pp. 104–8). Should the other athletes be considered 'disabled' compared with them, so that Paralympic Games should be organised for 'normal' people, while those endowed with special qualities such as those just mentioned should be the only ones to qualify for the Olympic Games (presuming they are also in other respects able to qualify for the Olympic Games)? (Cf. Van Hilvoorde & Landeweerd, 2008, p. 105: "Nowadays, some so-called 'disabled' performances sometimes even come close to those of elite athletes. It raises the question of what counts as normal in order to become part of the competition for able-bodied athletes. How much of a disablement can and should be compensated for in order to be (re)defined as a 'normal athlete'?")

One need not even resort to such outlandish examples to point out the difficulties involved with determining the 'normal' standard, as becomes apparent from Edwards's examples, who points to Eero Mäntyranta (a skier with above-normal levels of hemoglobin in his blood chemistry) and Miguel Induráin (a cyclist whose lungs were significantly larger than those of an average male adult); in spite of these advantages, they were allowed to – successfully – compete against 'normal' athletes. Edwards maintains that this is a sufficient basis to grant the same opportunity to someone like Oscar Pistorius (lest the principle of equality of opportunity be transgressed) (Edwards, 2008, pp. 115, 116), and this line of reasoning is consistent.

An objection that may be levelled against such a position is that Mäntyranta's and Induráin's conditions were natural whereas Pistorius' blades were synthetic. The response that artificial means such as javelins and pole-vault poles are used in athletics (Edwards, 2008, p. 117) addresses the relevant issue, provided that athletes are allowed to use their own means (it does not if all participating athletes must use the same means). Another example is the situation where the use of clap skates is allowed but not obligatory (so that skaters may decide for themselves whether to use them rather than another type of ice skates). The only reason they would have to choose a specific type of means is that it leads to the best performance, which does not rule out the possibility that type A leads to an optimal performance for one athlete and type B for another.

Crucially, individuals happen to be able to perform at certain levels, by whatever means (in addition to their training, the extent of which that is necessary to be able to perform at a certain level may differ from one individual to the next). Mäntyranta and Induráin were able to use the factors that were part of their respective genotypes, while Pistorius was able to use the factors that became part of his body after his legs had to be amputated, and may be said to "... compensate for his lack of legs" (Edwards, 2008, p. 115). The reason why some are more fortunate than others, which cannot, incidentally, always be determined (cf. English, 1978, p. 272), is not relevant (cf. Edwards, 2008, p. 116), at least not insofar as the present issue, equality of competition, is concerned.

Those who do not accept what has been argued, and would resist single-level competitions, face a number of problems that may prove difficult to resolve. For example, there are different weight classes in boxing, but not in the 100-metre dash in the Olympic Games; even if one is willing to consider the women's sprint and the sprint in the Paralympic Games classes, there are no (speed) classes for men. It is unclear whether black people have (on average) physiological advantages over white people (and other races or ethnicities, forgoing here the issue of how these categories should be qualified), but presuming (*arguendo*) that they do, those who argue for different competitions for, respectively, men and women and disabled and non-disabled people should also be willing to accept different competitions (for example in the case of marathons) on this basis.

English is unwilling to accept such a conclusion, stating:

> Conversely, although there is some evidence of late that blacks have physiological traits such as a longer calf that give them an advantage in jumping and sprinting, I do not conclude that we should form separate track or basketball leagues for whites, since the self-respect of whites is not endangered by this modest advantage possessed by blacks.
>
> (English, 1978, p. 273)

Problematically, however, such a stance would jeopardise equality of opportunity, by making its realisation dependent on a contingent given.

The analogy of mind sports may be useful to illustrate the issue. In the case of chess, for example, the top chess players may be identified on the basis of the International Chess Federation's world rankings. In addition to the World Chess Championship, there is a Women's World Chess Championship, but its existence is difficult to warrant unless one is willing to accept that women are, on the whole, less intelligent (or at least less adept at chess) than men. (The alternative, that women are on the whole *more* intelligent, would be difficult to defend on the basis of this premise because the World Chess Championship is open to both men and women. A

separate competition would only be necessary for the sex that is less intelligent.) Interestingly, incidentally, a separate category exists for computers, the World Computer Chess Championship; should computers not just incidentally but consistently prove to be able to best their human competitors, there is arguably good reason to conclude that equality of competition dictates that human beings can no longer compete at the World Chess Championship, just as there is no reason to think any human being would have a good chance against an average cheetah if both were to compete in the 100-metre dash.

Suppose that women prove to be, on average, more intelligent (with respect to the aspects of intelligence that are relevant for chess) than men. It would be strange for men to call for 'men's chess' and 'women's chess' as separate but equal varieties of chess, as everyone would know that the introduction of these categories would be motivated by men's realisation that they would have little chance of winning in the case of a single competition. Chess is simply chess; if women are on average more intelligent than men, it is more likely (*ceteris paribus*) that women will be successful (in the case of a single level) than men. One would hope that men would accept this situation if it were to present itself.

One may hold that all circumstances have to be equal in order to provide a fair contest, so that everyone should have precisely the same talent and physical qualities, train the same amount of time and use the same equipment. Since the same factors apply in such a scenario in each case, there will be no difference with respect to the outcome, either: if, for instance, ten people race against each other under precisely the same circumstances ('circumstances' taken broadly, so that they are to be identified with the factors just mentioned), they will all arrive at precisely the same time. Any slight advantage for one of the competitors would result in the outcome of the contest being clear beforehand.

Taking 'equality' seriously would mean, in this state of affairs, that introducing classes (such as weight classes) would not suffice unless they were sufficient to take the precise differences into account, running in as many as hundreds of classes. The same is true of the other factors, although it would in some cases (for example the distribution of talent) be difficult to see how the goal might be achieved, apart from the existence of overriding considerations that conflict with realising it. This state of affairs would mean that there would be as many contests as there are competitors, at least insofar as individual sports are concerned. (Team sports bring specific *practical* difficulties with them, but *principally* the analyses do not differ.)

Equality of competition would be reduced to nothing if it necessitated realising different standards for every individual, for one would not really participate in anything, but be confined to activities that have no meaning apart from what they yield for the individual; the individual may, of course, in the process change certain factors (e.g. by building muscle strength), but still not be able to compete against other individuals unless they are (or have become) identical in every other sense, so that even such a change would be in vain, at least insofar as equality of competition is concerned.

Competitors must be identical and cannot, thus, if one accepts Leibniz's position, namely that two substances cannot be entirely alike and differ only in number, with the consequence that they have to differ with respect to at least one characteristic in order to be distinguishable (Leibniz, 1686, § 9, pp. 1541, 1542), even be distinguished. It may be objected that equality and identity are confused here, but the issue is precisely that a situation of non-identity is problematic. The objection that athletes do not really compete against each other but rather against themselves, trying to improve themselves regardless of whether other athletes try to do the same, can easily be countered: an athlete who tries to perform better than he has been able to before now is still competing with another being, namely a previous version of himself, or,

more precisely, the being that was previously, and specifically the last time this being performed in a competition, identified as the athlete in question.

The distinction between equal treatment and treatment as an equal (e.g. Dworkin, 1977, pp. 226, 227) may be invoked at this point, but it does not derogate from the fact that different qualifications or even different sports are at issue, and that differences are made in order to accommodate for the *differences* between individuals.

Presuming it is possible (at least in theory) to remove the differences between individuals altogether, doing so would mean that the competition could not be won or lost by any of the competitors, since no factor would be decisive in determining the winner, given that the same factors decide the (course of) the competition. Two boxers fighting each other would go on until they would both (theoretically, in this scenario, simultaneously) collapse from exhaustion.

I concur with the observation that "Each athletic performance is unique and 'authentic' in the sense of being an expression of one particular individual's life-long developmental history" (Loland, 2020, p. 586). My analysis may be said to be an exploration of what thinking through this observation would amount to, at least if one is willing to be consistent and focus on nothing but the issue under discussion.

4 | CONCLUSION

I have attempted to show that equality of competition, as a species or application of equality of opportunity, entails that the same considerations should be decisive with respect to sport as in other domains: if all prospective employees should have the same opportunity to qualify for a job, this should also be the standard for sport. The alternative perspective, with different categories for (prospective) athletes, would lead to remarkable results outside of the domain of sport, with different categories of employees, so that, for example, different weight classes in the case of construction workers and different levels of intelligence in the case of physicians (some presumably producing better results and/or a greater output than others) should be accepted.

Equality of competition may be thought to culminate in a *reductio ad absurdum*, which, in turn, would lead to a devaluation of athletes' achievements. I have no qualms about drawing such a conclusion. The fear of those who, while willing to agree with what I have argued, are reluctant to accept the analysis unreservedly, considering possible *other* consequences than those which I have pointed out, especially the total degradation of sport, may be assuaged by the following observations.

First, separate competitions on the basis of certain factors may still be organised, if only from the consideration that people will otherwise not be able to enjoy the benefits of sports. Those benefits will presumably, if what I have argued is taken seriously, merely be the health benefits and enjoyment sports bring for sportspeople, since the joy of observing sports may be somewhat diminished for those who have read this article and assimilated the consequences of what has been argued, notwithstanding the fact that it would be unrealistic to believe that a large part of the intended audience will indeed do so. Should, however, the benefits – for whatever reason – also consist in said joy, this would provide an (additional) reason to continue organising such competitions. Importantly, though, the reasons to organise them must not be confused with the use of a process to determine which individuals are able to perform at the highest level.

Second, I have limited the analysis to competitive sports; the health benefits and enjoyment that have just been mentioned may of course also exist in noncompetitive sports, which are by

no means affected by what I have argued. If one sees reason to interpret the foregoing analysis as a disparagement of certain aspects of competitive sports, extending such an interpretation to non-competitive variants would be difficult to justify.

My goal has not been to rob those who enjoy competing in sports or observing the accomplishments of others of their pleasure, as I have just affirmed, but rather to expound the consequences of taking equality of competition seriously. If I have succeeded, the reader will accept my analysis, and – when in a position to reform policies in the relevant domain – make changes in accordance with it, or at least have been provoked to reflect on some of the merits of (competitive) sports.

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